

REMARKS

Claims 29-59 are pending in this application.

Claim 39 has been canceled without prejudice by the present Amendment, and claims 29, 58 and 59 have been amended by the present Amendment. Amended claims 29, 58 and 59 do not introduce any new subject matter.

DOUBLE PATENTING REJECTION

The Examiner rejects claims 29-47, 58 and 59 on the ground of non-statutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,678,892 in view of International Application Pub. No. WO 00/38951 ("Mathias").

Applicants request that the double patenting rejection be held in abeyance pending disposition of the statutory rejections and possible amendments to the claims. If at such time, the Examiner maintains the double patenting rejection, Applicants will attend to responding to same. Accordingly, Applicants reserve the right to submit a Terminal Disclaimer under 37 C.F.R. § 1.321 to obviate the double patenting rejection. The filing of a Terminal Disclaimer is not intended to be, nor should it be construed as, an admission as to the merits of the rejection.

REJECTIONS UNDER 35 U.S.C. § 103

Reconsideration is respectfully requested of the rejection of (1) claims 29-36, 39-58 and 59 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,610,822 ("Murphy") in view of International Application Pub. No. WO 00/38951 ("Mathias"), and U.S. Patent No. 6,300,880 ("Sitnik"); (2) claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Mathias and Sitnik as applied to

claim 29, and further in view of U.S. Patent No. 5,311,302 (“Berry”); and (3) claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Mathias and Sitnik as applied to claim 29, and further in view of U.S. Patent No. 6,243,645 (“Moteki”).

Applicants respectfully submit that the cited references, when taken alone or in combination, do not disclose or suggest a wireless transmitter that comprises at least one multiplexor adapted to select, through a SELECT (SEL) input, an input device of a plurality of input devices whose audio output is to be wirelessly transmitted, as essentially recited in amended claims 29, 58 and 59.

In rejecting claim 39, the Examiner maintains that Sitnik discloses “frequency multiplexed continuous transmission as performed by combiner 56”. However, in contrast the claimed embodiment, Sitnik does not disclose selection, through a SELECT (SEL) input, of an input device whose audio output is to be wirelessly transmitted. Unlike the claimed embodiments, in Sitnik, there is no selection of an input device at the transmitter. Instead, a large selection of material is simultaneously transmitted over a block of bands so that the signals are transmitted in a single transmission that can be individually tuned by the mobile receivers to receive a single channel. See Sitnik, col. 12, lines 11-21.

For at least the above reasons, Applicants maintain that amended claims 29, 58 and 59 are patentable over the cited references.

For at least the reason that claims 2-38 and 40-57 depend from claim 29, claims 2-38 and 40-57 are also submitted to be patentable over the cited references, claim 39 having been canceled.


As such, Applicant requests that the Examiner withdraw the rejections of claims 29-59 under 35 U.S.C. §103(a).

DEPENDENT CLAIMS

Applicant has not independently addressed the rejections of all the dependent claims because Applicant submits that, in view of the amendments to the claims presented herein and, for at least similar reasons as why the independent claims from which the dependent claims depend are believed allowable as discussed, *supra*, the dependent claims are also allowable. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicant's Attorney to reach a prompt disposition of this application.

Respectfully submitted,



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